

Resolution No.:	18-590
Introduced:	August 2, 2016
Adopted:	August 2, 2016

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Proposed Amendments to County Charter

Background

(1) §5 of Article XI-A of the Maryland Constitution, §7-102(c)(3)(i) of the Elections Article of the Maryland Code, and §16-14 of the Montgomery County Code provide that amendments to the Charter of Montgomery County may be proposed by a resolution of the County Council. §5 of Article XI-A of the Constitution also provides that amendments to the Charter may be proposed by a petition signed by at least 10,000 registered voters of the County and filed with the President of the County Council.

(2) Under §7-103(c)(3)(i) of the Elections Article of the Maryland Code, ballot questions for proposed Charter amendments must be certified to the County Board of Elections on or before the third Monday in August in the year of a general or Congressional election at which those Charter amendments will be submitted to the voters. §16-16 of the County Code provides that a ballot title or summary, prepared by the County Council, of all proposed Charter amendments must appear in print on the voting machine or ballot.

(3) The Council intends to submit to the County Board of Elections for inclusion on the 2016 general election ballot: Question A, County Executive Vacancy – Special Election, which would amend §205 of the Charter.

(4) A petition to amend §§105 and 202 of the Charter has been circulated and may be filed with the County Board of Elections. The Board of Elections has not determined whether the petition has the required number of signatures and otherwise qualifies for inclusion on the 2016 general election ballot.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

1) Subject to the approval of the County Attorney as to the form of the question, the following Charter amendment must be placed on the 2016 general election ballot:

A**County Executive Vacancy – Special Election**

The County Council proposes to amend Section 205 of the Charter of Montgomery County as follows:

Sec. 205. Vacancy.

A vacancy in the office of County Executive shall exist upon the death, resignation, disqualification, or removal of the County Executive. Unless the Council has provided by law for filling a vacancy by special election, the following process for filling a vacancy shall apply. [The] When a vacancy has occurred, the Council, by a vote of not less than five members, shall appoint a successor to fill the vacancy within forty-five days of the vacancy. An appointee to fill a vacancy, when succeeding a party member, shall be a member of the same political party as the person elected to such office at the time of election. If the Council has not made an appointment within forty-five days, the Council shall appoint within fifteen days thereafter the nominee of the County Central Committee of the political party, if any, of the person elected to such office. The Chief Administrative Officer shall act as County Executive and perform all the duties of that office until such time as the vacancy has been filled.

The ballot for this question must be designated and read as follows:

Question A**Charter amendment by act of County Council****County Executive Vacancy – Special Election**

Amend Section 205 of the County Charter to recognize that under State law the County Council may provide for a special election to fill a vacancy in the office of County Executive.

FOR**AGAINST**

2) Subject to the approval of the County Attorney as to the form of the question, the following Charter amendment must be placed on the 2016 general election ballot if the petition containing the amendment qualifies for inclusion on the 2016 ballot.

B

By petition the voters of Montgomery County propose to amend Sections 105 and 202 of the Charter of Montgomery County as follows:

Sec. 105. Term of Office

Members of the Council shall hold office for a term beginning at noon on the first Monday of December next following the regular election for the Council and ending at noon on the first Monday of December in the fourth year thereafter. In no case shall a Council Member be permitted to serve more than three consecutive terms. Any Member of Council who will have served three or more consecutive terms at noon on the first Monday of December 2018 shall be prohibited from commencing to serve a successive term of office at that time. For purposes of this Section, service of a term includes complete service of a full term and partial service of a full term.

Sec. 202. Election and Term of Office

The County Executive shall be elected by the qualified voters of the entire County at the same time as the Council and shall serve for a term of office commencing at noon on the first Monday of December next following the election, and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor shall have qualified. In no case shall a County Executive be permitted to serve more than three consecutive terms. Any County Executive who will have served three or more consecutive terms at noon on the first Monday of December 2018 shall be prohibited from commencing to serve a successive term of office at that time. For purposes of this Section, service of a term includes complete service of a full term and partial service of a full term.

The ballot for this question must be designated and read as follows:

Question B

Charter amendment by petition

Term Limits – County Council and County Executive

Amend Sections 105 and 202 of the County Charter to:

- limit the County Executive and members of the County Council to 3 consecutive terms in office;
- provide that a County Executive and any member of the County Council who will have served 3 or more consecutive terms on December 3, 2018, cannot serve another successive term in the same office; and

--provide that service of a term includes complete service of a full term and partial service of a full term

FOR AGAINST

3) Subject to the approval of the County Attorney as to the form of the question, the following Charter amendment must be placed on the 2016 general election ballot if the petition containing the amendment that is the subject of Question B as set forth in this resolution qualifies for inclusion on the 2016 ballot.

C

The County Council proposes to amend Sections 105 and 202 of the Charter of Montgomery County as follows:

Sec. 105. Term of Office

Members of the Council shall hold office for a term beginning at noon on the first Monday of December next following the regular election for the Council and ending at noon on the first Monday of December in the fourth year thereafter. Partial service of a full term means service by a Councilmember of more than two years of a term.

Sec. 202. Election and Term of Office

The County Executive shall be elected by the qualified voters of the entire County at the same time as the Council and shall serve for a term of office commencing at noon on the first Monday of December next following the election, and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor shall have qualified. Partial service of a full term means service by a County Executive of more than two years of a term.

The ballot for this question must be designated and read as follows:

Question C

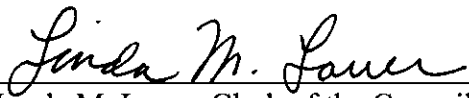
Charter amendment by act of County Council

Term of Office – County Council and County Executive – Partial Service of a Full Term

Amend Sections 105 and 202 of the County Charter to provide that partial service of a full term for either a Councilmember or the County Executive means service of more than two years of a term.

FOR AGAINST

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council